02/22/05 opice petition

Atty. Dkt. No. 078986-0209

FEB 1 8 2005 Applicant and T

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Trevor John Burke

Title:

PROGRAMME GENERATION

Appl. No.:

09/462,550

Filing Date:

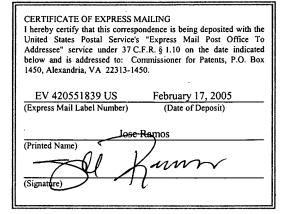
3/14/2000

Examiner:

Victor R. Kostak

Art Unit:

2611



PETITION FOR WITHDRAW FROM ISSUE UNDER 37 C.F.R. § 1.313 (c)

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The issue fee payment was recorded on January 10, 2005 on the above-identified application. In addition, Applicant submits an Information Disclosure Statement for consideration of patent references. To ensure entry and consideration of the IDS, a Request for Continued Examination is co-filed herewith.

APPLICANT HEREBY PETITIONS WITHDRAWAL FROM ISSUANCE TO CONSIDER IDS

(1) Petition fee (37 C.F.R. § 1.17(h))

The Commissioner is hereby authorized to charge the petition fee of \$130.00 under 37 C.F.R. §§ 1.16-1.17, to Deposit Account No. 50-0872. A duplicate copy of this letter is enclosed.

- (2) Reply and/or Fee
 - A. Copy of Request for Continued Examination mailed to the RCE Branch this same date (February 17, 2005).

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit

Account No. 50-0872 09462550

01 FC:1464

130.00 DA

(3) Statement that the abandonment was unintentional.

The failure to timely submit formal drawings by the deadline of December 15, 2003 and the resulting abandonment of the above-referenced application were unintentional.

- (4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).
- (5) Verification

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

Respectfully-submitted,

Date:

February 16, 2005

FOLEY & LARDNER LLP

Customer Number: 23392

Telephone:

(310) 975-7963

Facsimile:

(310) 557-8475

Ted R. Rittmaster

Attorney for Applicant Registration No. 32,933

IN THE UNITED SEATES PATENT AND TRADEMARK OFFICE

Applicant:

Trevor John Burk

Title:

PROGRAMME

GENERATION

Appl. No.:

09/462,550

Appl. Filing Date:

3/14/2000

Examiner:

Victor R. Kostak

Art Unit:

2611

CERTIFICATE OF EXPRESS MAILING
I hereby certify that this correspondence is being deposited with the
United States Postal Service's "Express Mail Post Office To
Addressee" service under 37 C.F.R. § 1.10 on the date indicated
below and is addressed to: Commissioner for Patents, P.O. Box
1450, Alexandria, VA 22313-1450.

EV 420551842 US February 17, 2005
(Express Mail Label Number) (Date of Deposit)

Jose Ramos
(Printed Name)

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

- 1. Submission required under 37 C.F.R. §1.114: (check items that apply)
 - a. Previously submitted:

considered.

l J	Please enter and consider the amendment/reply previously filed on _	_·
[]	Please consider the Affidavit(s)/Declaration(s) previously filed on	hı

- [] Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on
- [] Other __.

- b. Enclosed are:
- [] Amendment/Reply.
- [] Affidavit(s)/Declaration(s).
- [X] Information Disclosure Statement.
- [X] Form PTO-SB/08 with copies of listed reference(s).
- [X] Other: Copy of filed Petition for withdraw from issue under 37 C.F.R. § 1.313 (c) Miscellaneous:
 - [] Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of __ months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present		Rate		Fee Totals
RCE Fee 1.17(e):					\$790.00	=	\$790.00
Total Claims:	-		= 0	x	\$50.00	=	\$0.00
Independents	-		= 0	x	\$200.00	=	\$0.00
First p	resentation of an	y Multiple De	ependent Claims:	+	\$360.00	=	\$0.00
			CLAIMS	FEE	E TOTAL:	=	\$790.00

[] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[]	Extension for response filed within the first month:	\$120.00	0	\$0.00		
[]	Extension for response filed within the second month:	\$450.00	٠.	\$0.00		
[]	Extension for response filed within the third month:	\$1,020.00				
[]	Extension for response filed within the fourth month:	,	-	\$0.00		
[]		\$1,590.00	-	\$0.00		
. []	Extension for response filed within the fifth month: EXTENSION FEE SU	\$2,160.00	-	\$0.00		
	_	\$0.00				
	EXTENSION FEE ALREA	DY PAID:	-	\$0.00		
	EXTENSION FEE TOTAL					
	CLAIMS AND EXTENSION FEE TOTAL:					
[X]	Small Entity Fees Apply (subtract 1/2	-	\$395.00			
[]	Suspension of action requested under 37 C.F.R.	_	\$0.00			
	TO	TAL FEE:		\$395.00		

-2-

- Please charge Deposit Account No. 50-0872 in the amount of \$395.00. A duplicate copy of this transmittal is enclosed.
- []A check in the amount of \$395.00 to cover the filing fee is enclosed.
- [X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address

indicated below.

Respectfully submitted,

February 16, 2005

FOLEY & LARDNER LLP

Customer Number: 23392

Telephone: (310) 975-7963 Facsimile:

(310) 557-8475

Ted R. Rittmaster

Attorney for Applicant Registration No. 32,933